

CITY COUNCIL, CITY OF LODI
COUNCIL CHAMBER, CITY HALL
SEPTEMBER 7, 1955

This regular meeting of the City Council of the City of Lodi held beginning at 8:00 o'clock p.m. of Wednesday, September 7, 1955; Councilmen Fuller, Hughes, Mitchell, Richey, and Robinson (Mayor) present; none absent. City Attorney Mullen and City Manager Weller also present.

Minutes of the previous meetings of August 17, 1955, and August 24, 1955, were approved as written and mailed.

COMMUNICATIONS

JOINT MEETING WITH LIBRARY BOARD	Letter from Dr. Coffield, Chairman, Library Board of Trustees, stating that the Library Board would appreciate an opportunity to meet with the City Council to discuss library problems. The City Manager was authorized to arrange a meeting with the Library Board at a time suitable to both bodies.
HERMAN HEARING	Mr. Weller stated that a notice had been received of a hearing before the Industrial Accident Commission on the claim of Mrs. Millie Herman as the result of the death of her husband. Mr. Mullen stated that he would be out of town at the time of the hearing, but suggested that Mr. Anthony Perovich, his partner, be appointed Assistant City Attorney to represent the City at this hearing. He stated that this would involve no additional expense to the City. On the motion of Councilman Fuller, Hughes second, the Council ratified the appointment of Mr. Anthony Perovich as Assistant City Attorney.
PEROVICH ASST. CITY ATTORNEY	

PUBLIC HEARINGS

SPITTLER- McLANE REZONING ORD. NO. 538 INTRODUCED	This being the time and place set for the hearing of protests to the proposed rezoning from R-2 to R-3 of Lots 51, 52, and the South 9.21 feet of Lot 53 of Hutchins Homestead Addition No. 3, Mayor Robinson called for the interested parties to address the City Council. No protests or objections to the proposed rezoning were presented. Councilman Fuller moved, Richey second, the introduction of Ordinance No. 538, approving the rezoning from R-2 to R-3 of the above property. The motion carried by unanimous vote.
HELMENSTEIN REZONING ORD. NO. 539 INTRODUCED	Mayor Robinson then called for those wishing to discuss the proposed rezoning of Lots 17 and 18 of the Helmenstein Tract to address the Council. No protests were offered to the proposed rezoning. On the motion of Councilman Fuller, Richey second, the Council voted to introduce Ordinance No. 539, approving the rezoning from R-4 to C-2 of the above property.
SCHNEIDER REZONING	Mayor Robinson then called for a discussion on the proposed rezoning of the South 500 feet of the North 956 feet of the East 957 feet of Section 11, T3N, R6E, from R-1 to C-1. The property represents the North 10.92 acres of the Tokay Gardens Subdivision as shown on a tentative map filed with the City Planning Commission. Mr. Ted Schneider, owner of the property, explained that his subdivision, Tokay Gardens, constituted 30 acres

10/5/55
support of

of which the south 20 acres was to be in residential subdivision. He planned a shopping center for the north 10 acres and would provide parking at the ratio of 3 sq. ft. of parking for each square foot of building. He also stated that he had purchased the necessary property to extend Rose Street south from Lodi Avenue to the proposed shopping center. Mrs. Ed Hepper, Mrs. Harry Asay, and Mrs. Stanley Whitaker spoke in ~~opposition to~~ the rezoning. The City Clerk read petitions both for and against the proposed rezoning. Councilman Mitchell stated that the matter had been before the City Planning Commission on two occasions and that body had reached no agreement so he felt action should be taken immediately on the question. Councilman Richey stated that the proposed master plan should at least be considered before taking action on any rezoning request. Councilman Fuller then moved, Hughes second, that the matter be referred back to the City Planning Commission for a determination and recommendation for the zoning of all property from Lodi Avenue to the proposed Schneider development. The motion carried by the following vote:

AYES: Councilmen - Fuller, Hughes, and Richey

NOES: Councilmen - Mitchell and Robinson

ABSENT: Councilmen - None

Mr. C. R. Van Buskirk then addressed the City Council to ask that all statements of the City Planning Commission and City Council be recorded in the interest of justice.

VACATION OF
FALLS AVENUE

ORD. NO. 540
INTRODUCED

Mayor Robinson then called for the public hearing on the question of the proposed abandonment of Falls Avenue between Grant Avenue and Roper Avenue. Mr. Orville Bracht addressed the Council to state that the residents on Crescent Avenue only wished Falls Avenue to remain open until such time as Crescent Avenue is open to the south. The City Clerk stated that it is estimated that the streets in the Alshire Tract, just south of Crescent Avenue, will be improved within the next three weeks. On the motion of Councilman Richey, Mitchell second, Ordinance No. 540, ordering the vacation of Falls Avenue between Grant and Roper Avenues, was introduced.

ANNEXATION
BARBERA ADD.

ORD. NO. 541
INTRODUCED

This being the time and place set for the hearing of protests to the proposed annexation of the "Barbera Addition" at the corner of Kettleman Lane and Hutchins Street, Mayor Robinson called for such protests. There being no protests offered, Ordinance No. 541, approving the annexation of the Barbera Addition, was introduced on the motion of Councilman Richey, Mitchell second.

REPORTS OF THE CITY MANAGER

CONTRACT FOR
OPERATION OF
LAKE PARK

Mr. Weller presented a contract proposed by the State Division of Beaches and Parks to provide for the operation and maintenance of Lodi Lake Park until such time as the Division of Beaches and Parks undertakes the operation as a State Park. Councilman Hughes objected that the contract should be returned to the Division of

RES. #1882
ADOPTED

Beaches and Parks for a provision for the State to share in the costs of operation. He stated he believed the contract gave the State authority to audit the books of the City and provided that the property must be posted as State property. City Attorney Mullen disagreed, reading portions of the contract giving the City of Lodi control over the operation of the park. Mr. C. R. Van Buskirk addressed the Council to state that the contract contains just what the representatives of the Division of Beaches and Parks had told the City Council would be required until such time as appropriations were made available for the development of the park. He stated that the Council had nothing to fear from the State. Resolution No. 1882, authorizing the Mayor to sign the contract, was adopted on the motion of Councilman Mitchell, Richey second, by the following vote:

AYES: Councilmen - Fuller, Mitchell, Richey,
and Robinson

NOES: Councilmen - Hughes

ABSENT: Councilmen - None

ELECTRIC
RATES
INCREASED

ORD. NO. 537
ADOPTED
(URGENCY ORD.)

The City Manager again presented the proposed ordinance increasing the electric rates in the City of Lodi. Stating that the ordinance was proposed as an emergency ordinance, Mayor Robinson directed the City Clerk to read the ordinance in full. Councilman Richey then moved, Mitchell second, that Ordinance No. 537, entitled "AN ORDINANCE REPEALING CERTAIN ORDINANCES AND PARTS OF ORDINANCES AND ESTABLISHING RATES FOR THE SALE OF ELECTRIC ENERGY BY THE CITY OF LODI AND DECLARING THE SAME TO BE AN URGENCY MEASURE" be adopted as an urgency ordinance and that the same be published one time in the "Lodi News-Sentinel". The motion carried by the following vote:

AYES: Councilmen - Fuller, Hughes, Mitchell,
Richey and Robinson

NOES: Councilmen - None

ABSENT: Councilmen - None

Mayor Robinson then signed Ordinance No. 537 in approval thereof.

CLAIMS

Claims in the amount of \$95,652.78 were approved on the motion of Councilman Richey, Hughes second.

BUILDING
PERMIT FEES
TAX SUPPORTED
AGENCIES

The City Manager reported that he had received a memorandum from the Building Official requesting a clarification of the policy regarding the collection of building permit fees for school construction. The City Attorney has stated that case law is not clear on this question and he felt it was more a question of legislative policy. Councilman Fuller stated that he felt the City has the right to require a permit for construction, but when dealing with tax supported agencies he felt the fee should be waived. Councilman Richey stated that she felt it would be good public relations to waive the fees to the tax supported agencies. On the motion of Councilman Fuller, Mitchell second, the Council voted to waive the payment of the building permit fees to tax supported agencies in those instances only where the construction specifications provide that the tax supported agency is responsible for the payment of such fees.

CAPITAL
OUTLAY
FUND

Mr. Weller then provided the members of the Council with a statement of the position of the Capital Outlay Fund including the expenditures approved in the 1955-56 Budget.

AWARD STREET
MATERIALS

RES. #1874
ADOPTED

Mr. Weller reported that two bids had been received for furnishing the City with street materials and the bids were again identical. The first call for bids had also resulted in the submission of identical bids from Claude C. Wood Company and Rice Bros. Mr. Weller recommended that the award be made to either of the bidders. The Council agreed that the award should not be divided between the bidders and therefore selected the bidder to receive the contract by lot. On the motion of Councilman Mitchell, Richey second, the Council adopted Resolution No. 1874, awarding the contract for street materials for 1955-56 to Rice Brothers.

CONDEMNATION
FOR ELM ST.
STORM SEWER

The City Manager reported that he had received a memorandum from the City Engineer stating that two years of negotiation for an easement through the Laughland property at the western extension of Elm Street had been to no avail. This easement is needed for the installation of a storm sewer trunk line. He therefore recommended that the City Attorney be authorized to exercise eminent domain in the acquisition of the easement. Councilman Fuller then moved, Richey second, that the matter be referred to the City Attorney for the preparation of a resolution for condemnation of the easement.

EMERSON
SCHOOL
GROUNDS

Mayor Robinson then proposed that the future use of Emerson School grounds be discussed and a decision reached. He suggested that the site could be used for a fire house or library. Councilman Fuller stated that he felt the construction of a fire house or library should be considered as an integral part of the capital outlay program. Councilman Hughes pointed out that the City had acquired the property within the last 90 days so he could see no urgency in reaching a decision. No further action was taken on the matter.

WITHDRAW
WILLOW GLEN
ADD. FROM
W.R.F.P.D.
RES. #1880
ADOPTED


Resolution No. 1880, withdrawing the Willow Glen Addition, annexed to the City of Lodi on August 22, 1955, from the Woodbridge Rural Fire Protection District, was adopted on the motion of Councilman Richey, Fuller second.

WITHDRAW
TOKAY GARDENS
ADD. FROM
W.R.F.P.D.
RES. #1881
ADOPTED

Resolution No. 1881, withdrawing the Tokay Gardens Addition, annexed to the City of Lodi on August 22, 1955, from the Woodbridge Rural Fire Protection District, was adopted on the motion of Councilman Mitchell, Richey second.

The meeting was adjourned at 10:35 p.m.

ATTEST:


HENRY A. GLAVES, JR.
City Clerk